



GRACE SINCLAIR  
CLERK OF THE CIRCUIT COURT  
LINCOLN COUNTY, MISSOURI

IN RE: *16LG-CC00130*  
*Hathaway v Lincoln Co. Sheriff etal*

I, the undersigned Clerk of the Circuit Court, do hereby certify the attached copies: *29 Copies* to be a true copy of the original as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Troy, Missouri on this the *2<sup>nd</sup>* day of *November*, 20 *16*.

*Grace Sinclair* Circuit Clerk

By: *Debbie Doll* D.C.

Report: CZR0026

45TH JUDICIAL CIRCUIT  
LINCOLN COUNTY  
CIRCUIT COURT DOCKET SHEET

Date: 02-Nov-2016

Time: 8:42:02AM

Page: 1

<b>16L6-CC00130</b>	<b>RALPH D HATHAWAY V LINCOLN COUNTY SHERIFF'S DEPART</b>	<b>Security Level: 1 Public</b>
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<b>Case Type:</b>	CC Other Miscellaneous Actions	<b>Case Filing Date:</b>	04-Oct-2016
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<b>Status:</b>	Pet Filed in Circuit Ct
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<b>Disposition:</b>	<b>Disposition Date:</b>
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		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	CHRIS KUNZA MENNEMEYER (46581)		
Petitioner Acting Pro Se	RALPH DAVID HATHAWAY (@50578)		
Defendant	LINCOLN COUNTY SHERIFF'S DEPARTMENT (LCSD)		
Defendant	CHRIS BOSLEY (@50579)		
Defendant	SEAN FLYNN (@50580)		

<u>Filing Date</u>	<u>Description</u>
03-Oct-2016	<b>Mot to Proc In Forma Pauperis</b>
04-Oct-2016	<b>Judge Assigned</b> <b>Pet Filed in Circuit Ct</b> <b>Ord Allow In Forma Pauperis</b>
12-Oct-2016	<b>Summons Issued-Circuit</b> Document ID: 16-SMCC-404, for LINCOLN COUNTY SHERIFF'S DEPARTMENT. <b>Service/Attempt Date:</b> 13-Oct-2016 <b>Summons Issued-Circuit</b> Document ID: 16-SMCC-405, for BOSLEY, CHRIS. <b>Service/Attempt Date:</b> 13-Oct-2016 <b>Summons Issued-Circuit</b> Document ID: 16-SMCC-406, for FLYNN, SEAN. <b>Service/Attempt Date:</b> 13-Oct-2016
18-Oct-2016	<b>Summons Personally Served</b> Document ID - 16-SMCC-404; Served To - LINCOLN COUNTY SHERIFF'S DEPARTMENT; Server - SO LINCOLN COUNTY-TROY; Served Date - 13-OCT-16; Served Time - 13:55:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - IN FORMA PAUPERIS. <b>Summons Personally Served</b> Document ID - 16-SMCC-406; Served To - FLYNN, SEAN; Server - SO LINCOLN COUNTY-TROY; Served Date - 13-OCT-16; Served Time - 11:38:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - IN FORMA PAUPERIS. <b>Summons Personally Served</b> Document ID - 16-SMCC-405; Served To - BOSLEY, CHRIS; Server - SO LINCOLN COUNTY-TROY; Served Date - 13-OCT-16; Served Time - 13:13:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - IN FORMA PAUPERIS.
26-Oct-2016	<b>Order</b> CIVIL CASE MANAGEMENT ORDER AND NOTICE OF PRESUMPTIVE DISMISSAL DATE SENT TO PETITIONER ACTING PRO SE FOR DEADLINE OF APRIL 14, 2017.

IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSOURI  
CIRCUIT COURT DIVISION I

RALPH D. HATHAWAY,	)	
	)	
Petitioner(s),	)	Case No. 16L6-CC00130
	)	
v.	)	
	)	
LINCOLN CO. SHERIFF'S DEPARTMENT,	)	
	)	
Respondent(s).	)	

**CIVIL CASE MANAGEMENT ORDER AND  
NOTICE OF PRESUMPTIVE DISMISSAL DATE**

It is expected that all parties and the attorneys of record will obtain service, undertake preparation of the case in an expeditious manner, and will file necessary motions as appropriate, conduct necessary discovery, exchange commonly requested documents, and engage in meaningful settlement discussions before the presumptive dismissal date.

THIS CASE WILL BE SUBMITTED TO THE ASSIGNED JUDGE FOR DISMISSAL ON APRIL 14, 2017 (180 days after the filing date) UNLESS:

1. The case is scheduled for a non-contested hearing, to be heard before the dismissal date, on any Circuit Civil Docket. (Such dates are posted online. **Go to [lincolnpikecourt.com](http://lincolnpikecourt.com), then click on Judges' Calendars.**); OR
2. The case is scheduled for a case management or pretrial conference, to be held before the dismissal date, on any Circuit Civil Docket. The attorney who will actually be trying the case must appear in person (and not by substitute counsel) at any case management or pretrial conference, and all counsel must bring their exclusionary dates for the following 6 months to each such conference.

The Court will usually enter a scheduling order at the first case management/pretrial conference. Once the Court enters a scheduling order, the same will be strictly followed and not be changed except in the event of unusual, unforeseen and unavoidable circumstances, and only then when such request has been presented to the Court as soon as it is known that said scheduling order is no longer feasible. This shall be brought to the Court by written motion explaining the same and noticed up to be heard on any Circuit Civil Docket.

Once the Court sets the trial date(s), the same will not be changed except in the event of unusual, unforeseen and unavoidable circumstances, and only then when such request has been presented to the Court no later than **two weeks** prior to the scheduled trial date unless a last-minute emergency situation arises.

The Court may dismiss the case or impose such other sanctions as the Court may deem appropriate, including striking pleadings, if any party has not complied with this Order or any Order, Rules or Statutes applicable to this case.

REASONS FOR CASE MANAGEMENT:

On January 1, 1997, the Missouri Supreme Court mandated provisions of Supreme Court Operating Rule 17 – Case Processing Time Standards. **Judges are legally and ethically bound to enforce these time standards.**

Studies and experience have shown that the vast majority of Cases will be resolved without a trial. The financial and emotional cost to the parties increases in direct proportion to the length of time it takes to resolve a case. Moreover, the longer a case lingers, the more parties lose faith in their counsel and in the legal system.

SO ORDERED:



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Honorable Chris Kunza Mennemeyer  
Presiding Circuit Judge  
Lincoln and Pike Counties, Missouri

OCTOBER 26, 2016

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Date



## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	

FILED

OCT 18 2016

Circuit Court  
Lincoln County, MO

(Date File Stamp)

Summons in Civil Case *La Forma Pauperis*

The State of Missouri to: LINCOLN COUNTY SHERIFF'S DEPARTMENT

Alias:

65 BUSINESS PARK DRIVE  
TROY, MO 63379

COURT SEAL OF



LINCOLN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/12/16  
Date

Clerk

Further Information:

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☒ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_Served at 65 BUSINESS PARK DR TROY MO 63379 (address)  
in LINCOLN (County/City of St. Louis), MO, on 10-13-16 (date) at 13:55 (time).Deputy Kim Floyd 469  
Printed Name of Sheriff or ServerDeputy Kim Floyd 469  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

## Sheriff's Fees

Summons	\$	
Non Est	\$	
Sheriff's Deputy Salary	\$	10.00
Supplemental Surcharge	\$	
Mileage	\$	(_____ miles @ \$._____ per mile)
Total	\$	

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	

**FILED****OCT 18 2016**Circuit Court  
Lincoln County, MO

(Date File Stamp)

**Summons in Civil Case - In Forma Pauperis**

The State of Missouri to: SEAN FLYNN

Alias:

65 BUSINESS PARK DR  
TROY, MO 63379

COURT SEAL OF



LINCOLN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/12/16  
Date

Clerk

Further Information:

**Sheriff's or Server's Return****Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

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- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name) (title).

☐ other

Served at 65 BUSINESS PARK DR TROY MO (address)

in Lincoln (County/City of St. Louis), MO, on 10-13-16 (date) at 11:38 (time).

Deputy Kim Floyd 469  
Printed Name of Sheriff or ServerDeputy Kim Floyd 469  
Signature of Sheriff or Server**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on (date).

(Seal)

My commission expires:

Date

Notary Public

**Sheriff's Fees**

Summons	\$	
Non Est	\$	
Sheriff's Deputy Salary	\$	10.00
Supplemental Surcharge	\$	
Mileage	\$	( miles @ \$. per mile)
<b>Total</b>	\$	

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.





## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	

**FILED****OCT 18 2016**Circuit Court  
Lincoln County, MO

(Date File Stamp)

Summons in Civil Case - *In Forma Pauperis*The State of Missouri to: CHRIS BOSLEY  
Alias:65 BUSINESS PARK DR  
TROY, MO 63379

COURT SEAL OF



LINCOLN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/12/16  
Date

Clerk

Further Information:

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)Served at 65 BUSINESS PARK DR TROY MO (address)  
in Lincoln (County/City of St. Louis), MO, on 10-13-16 (date) at 1:13 (time).Deputy Kim Floyd 469  
Printed Name of Sheriff or ServerDeputy Kim Floyd 469  
Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees

Summons \$  
 Non Est \$  
 Sheriff's Deputy Salary \$  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
 Total \$

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: LINCOLN COUNTY SHERIFF'S DEPARTMENT  
Alias:  
65 BUSINESS PARK DRIVE  
TROY, MO 63379

**COURT SEAL OF**  
  
LINCOLN COUNTY

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10/12/16 Date  
[Signature] Clerk

Further Information:

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).  
☐ other \_\_\_\_\_  
 Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

\_\_\_\_\_  
 Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary \$ \_\_\_\_\_  
 Supplemental Surcharge \$ 10.00  
 Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)  
 Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.





## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: CHRIS BOSLEY

Alias:

65 BUSINESS PARK DR  
TROY, MO 63379

COURT SEAL OF



LINCOLN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/12/16

Date

Clerk

Further Information:

## Sheriff's or Server's Return

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- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

(name) (title).

☐ other

Served at (address)

in (County/City of St. Louis), MO, on (date) at (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on (date).

(Seal)

My commission expires:

Date

Notary Public

## Sheriff's Fees

Summons	\$	
Non Est	\$	
Sheriff's Deputy Salary		
Supplemental Surcharge	\$	10.00
Mileage	\$	( miles @ \$. per mile)
<b>Total</b>	\$	

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



## IN THE 45TH JUDICIAL CIRCUIT COURT, LINCOLN COUNTY, MISSOURI

Judge or Division: CHRIS KUNZA MENNEMEYER	Case Number: 16L6-CC00130
Plaintiff/Petitioner: RALPH DAVID HATHAWAY	Plaintiff's/Petitioner's Attorney/Address RALPH DAVID HATHAWAY SANGAMON CO DETENTION FAC #1 SHERIFF S PLAZA SPRINGFIELD, IL 62701
Defendant/Respondent: LINCOLN COUNTY SHERIFF'S DEPARTMENT SGT CHRIS BOSLEY SGT SEAN FLYNN	Court Address: LINCOLN CO. JUSTICE CENTER 45 BUSINESS PARK DRIVE TROY, MO 63379
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

**The State of Missouri to: SEAN FLYNN**  
Alias:  
65 BUSINESS PARK DR  
TROY, MO 63379

**COURT SEAL OF**  
  
**LINCOLN COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

10/12/16 Date [Signature] Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

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☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

## Sheriff's Fees

Summons \$ \_\_\_\_\_  
 Non Est \$ \_\_\_\_\_  
 Sheriff's Deputy Salary \$ 10.00  
 Supplemental Surcharge \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
 Mileage \$ \_\_\_\_\_  
**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT FOR THE FORTY FIFTH JUDICIAL CIRCUIT

FILED

LINCOLN COUNTY, TROY MISSOURI

OCT 03 2016

RALPH DAVID HATHAWAY

V

CASE NO.

Circuit Court  
Lincoln County, MO

LINCOLN COUNTY POLICE,

SGT CHRIS BOSLEY, SERANT FLYNN

166-000130

APPLICATION TO PROCEED AS A POOR PERSON

NOW COMES RALPH DAVID HATHAWAY, PRO SE AND REQUEST THAT THIS HONORABLE COURT ALLOW HIM TO PROCEED AS A POOR PERSON ON THE CIVIL ACTION COMPLAINT AGAINST THE ABOVE ENTITLED PARTY, IN SUPPORT THEREOF, PLAINTIFF STATES AS FOLLOWS:

1. PLAINTIFF HEREBY SWEARS UNDER OATH THAT HE IS A POOR PERSON AND HE HAS BEEN ALLOWED TO PROCEED AS A POOR PERSON IN THE PENDING CRIMINAL CASE OF UNITED STATES V RALPH DAVID HATHAWAY, NO 15-30035 IN THE CENTRAL DISTRICT COURT, SPRINGFIELD, ILLINOIS.
2. WHEREFORE PLAINTIFF PRAYS THAT THIS HONORABLE COURT GRANT HIM LEAVE TO FILE HIS COMPLAINT WITHOUT COST OR FEE, OR AVAILABLE RESOURCES TO HIM, AND ORDER THE CLERK TO DOCKET SAID COMPLAINT AND ISSUE SERVICE AND SUMMONS ON THE PRESCRIBED DEFENDANTS.

DATE 9/26/2016

RESPECTFULLY SUBMITTED,

Ralph David Hathaway

RALPH DAVID HATHAWAY

USN

RET

Plaintiff is hereby allowed  
to proceed as a poor person.  
Petition shall be filed by Clerk.  
SO ORDERED: 10-4-16

IN THE CIRCUIT COURT OF THE FORTY FIFTH JUDICIAL CIRCUIT

LINCOLN COUNTY, TROY MISSOURI

RALPH DAVID HATHAWAY

V

CASE NO.

FILED

OCT - 4 2016

LINCOLN COUNTY POLICE,

Circuit Court

SGT. CHRIS BOSLEY, SEAN FLYNN

Lincoln County, MO

### COMPLAINT

#### I. JURISDICTION AND VENUE.

1. THIS IS A CIVIL ACTION TO REDRESS THE DEPRIVATION UNDER THE COLOR OF LAW; OF RIGHTS AND PROTECTIONS SECURED BY THE STATE AND UNITED STATES LAWS AND CONSTITUTIONS.

2. THE COURT HAS JURISDICTION PURSUANT TO THE MISSOURI CONSTITUTION AND THIS IS THE PROPER VENUE, BECAUSE IT IS WHERE THE EVENTS GIVEN RISE TO THIS CLAIM OCCURRED.

#### II PLAINTIFF

1. PLAINTIFF RALPH DAVID HATHAWAY, IS CURRENTLY RESIDING IN CUSTODY, AT SANGAMON COUNTY DETENTION FACILITY, #1 SHERIFF'S PLAZA, SPRINGFIELD ILLINOIS 62701. MISSOURI RESIDENCE'S ARE 174 AND 186 CABIN RIVER ROAD, TROY MISSOURI.

#### III DEFENDANT

1. THE DEFENDANTS, THE LINCOLN COUNTY POLICE DEPARTMENT AND SGT CHRIS BOSLEY, SEAN FLYNN LOCATED AT LINCOLN COUNTY SHERIFF'S OFFICE, 65 BUSINESS PARK DRIVE, TROY MISSOURI 63379.

2. THE DEFENDANT'S IS BEING SUED INDIVIDUALLY, AND IN THEIR OFFICIAL CAPACITIES, AT ALL TIMES MENTIONED IN THIS COMPLAINT DEFENDANTS ACTED UNDER THE COLOR OF THE LAW AND FAILURE TO FOLLOW PROCEDURES.

#### IV. FACTS

1. SGT GREENWOOD WAS ALLOWED TO SERVE A SEARCH WARRANT AND QUESTION PLAINTIFF IN LINCOLN COUNTY, TROY MISSOURI, AND GREENWOOD ACTING AS A PIKE COUNTY, ILLINOIS OFFICIAL TOOK ITEMS OF POSSIBLE EVIDENCE VALUE AND PROVIDED NO COPY OF SEARCH WARRANT, NO RECEIPT OR INVENTORY OF ITEMS TAKEN, ON OR ABOUT JUNE 10, 2015.
2. ON ~~24~~ JULY 2015, SGT SEAN FLYNN RESPONDED TO A BURGLARY REPORTED BY PLAINTIFF AT 186 CABIN RIVER RD, TROY MISSOURI. OFFICER FLYNN TOOK STATEMENT WRITTEN IN PART BY PLAINTIFF'S WIFE, SIGNED BY PLAINTIFF.
3. OFFICER FLYNN REFUSED TO TAKE PICTURES OR FINGERPRINTS AT THE RESIDENCES OF 174 AND 186 CABIN RIVER ROAD, THE BACK DOOR HAD MARKS, AND THE SCREEN DOOR WAS DAMAGED. THE CAMPER AT 174 CABIN RIVER ROAD HAD A BENT KEYHOLE AND SCRATCH MARKS ON DOOR, ALONG WITH A WINDOW LATCH BROKEN AND SCREEN PUSHED IN. (CLASPS BROKEN)
4. PLAINTIFF INFORMED OFFICER MISSING SMALL LAPTOP (TABLET) WAS A SURVEILLANCE SYSTEM HOOKED UP TO CAMERAS AND STORED ON EXTERNAL HARD DRIVE AFTER RECORDING. TWO BLACK EXTERNAL HARD DRIVES WERE SHOWN TO OFFICER FLYNN.
5. OFFICER FLYNN SEEMED DISINTERESTED AND THE OFFICERS LEFT WITHOUT TAKING PICTURES OR FINGERPRINTS, OR ITEMS THAT WOULD POSSIBLY HAVE FINGERPRINTS ON THEM (TV, SCREEN, AND HARD DRIVES).
6. OFFICER FLYNN TOOK NO WRITTEN STATEMENTS FROM NEIGHBORS THAT DAY, OR STOPPED ON WAY OUT. OFFICER SAID HE WOULD PROVIDE A COPY OF THE REPORT AND CASE NUMBER THE NEXT DAY.
7. PLAINTIFF ON 25 JULY 2015 USED LANDLINE IN CAMPER TO CALL INFORMATION TO OBTAIN LINCOLN COUNTY SHERIFF'S NUMBER, THEN CALLED TO REPORT OTHER ITEMS MISSING, WHEN PLAINTIFF DISCOVERED GUN



CONTINUED

#### IV. FACTS

CABINET DOOR HAD PRY MARKS. ITEMS REPORTED MISSING WERE TWO GOLD BRANDES, 1 NECKLACE, JEWELRY CONTAINER, AND BEADS.

8. NO OFFICER CAME TO RESIDENCE IN RESPONSE.

9. ON 27 JULY, 2015 PLAINTIFF WAS ARRESTED BY OFFICER FLYNN, AND SGT CHRIS BESLEY OUTSIDE OF RESIDENCE. OFFICER FLYNN ASKED QUESTIONS CONCERNING COMPUTERS, PLAINTIFF REFUSED TO ANSWER ANYTHING WITHOUT ATTORNEY.

10. NEITHER OFFICER INFORMED PLAINTIFF OF CHARGES OR READ PLAINTIFF HIS RIGHTS.

11. OFFICER'S REMOVED PLAINTIFF'S OLDEST SON FROM CABIN AND LATER FROM RESIDENCE FOR SHORT PERIODS, LEAVING RESIDENCE UNSECURE AND NO RESIDENT PRESENT.

12. PLAINTIFF SAW AN OFFICER VIEW CAMERA ON PORCH, THEN GO INSIDE RESIDENCE BEFORE HE WAS REMOVED 15 MINUTES, MAYBE MORE LATER, IN WHICH OFFICER HAD NOT EXITED RESIDENCE BY EITHER EXIT CLEARLY VISIBLE FROM PLAINTIFF'S LOCATION ON ROAD.

13. OFFICER'S ASKED PLAINTIFF'S SON (A MINOR) QUESTIONS WITHOUT A PARENTS CONSENT AND REMOVED HIM FROM RESIDENCE WITHOUT PERMISSION WHEN A FAMILY MEMBER WAS ENROUTE.

14. OFFICER'S DID NOT ENSURE RESIDENCE WAS SECURE OR INVENTORY ITEMS IN PLAIN SITE TO PROTECT PLAINTIFF'S VALUABLES FROM LOSS.

#### V. FACTS

1. ON 22 JULY, 2015 PLAINTIFF WAS ARRESTED AT 186 CABIN RIVER ROAD, TROY MISSOURI. HE WALKED OUTSIDE RESIDENCE USING BACK PORCH CARRYING A WATER BOTTLE AND CONTAINER OF FISHING LIVERS TO A SHOTGUN POINTED AT HIS HEAD.



2. PLAINTIFF WAS FORCED TO GROUND, HAND CUFFED WHILE LARGE OFFICERS KNEE WAS IN BACK, THEN FRISKED WHEN ONLY THING ON WAS SWIMMING SHORTS.

3. PLAINTIFF NOTIFIED OFFICERS TO PLEASE PUT WEAPONS AWAY, HIS MINOR SON AND FRIEND WAS PRESENT.

4. OFFICERS CALLED THEM OUT AND HAD WEAPONS POINTED AT THE EXITS AND THEM AS THEY EXITED.

5. PLAINTIFF DEMANDED AN ATTORNEY AND THE CHILDREN BE LEFT ALONE.

6. OFFICERS QUESTIONED MINOR CHILD AND WENT INTO RESIDENCE, THEY LOOKED AT CAMERAS LOCATED ON FRONT PORCH AND BACK EXIT.

7. ENCOUNTER WITH OFFICERS WAS CAPTURED ON PLAINTIFF'S VIDEO CAMERAS AND SURVEILLANCE COMPUTER.

8. NO RIGHTS WERE ADMINISTERED AFTER BEING TOLD WAS UNDER ARREST, AND NO ATTORNEY WAS PROVIDED.

9. RESIDENCE AND PROPERTY WAS NOT SECURED OR INVENTORIED BY OFFICERS.

10. PLAINTIFF HAS REQUESTED THROUGH COURT AND ATTORNEYS IN CRIMINAL CASE UNITED STATES V RALPH DAVID HATHAWAY DOCUMENTS AND AFFIDAVITS CONCERNING ALL ACTIONS, ARRESTS, AND SEARCH AND SEIZURES CONDUCTED IN LINCOLN COUNTY, MISSOURI, TO DATE AS OF SEPTEMBER, 27, 2016 ONLY BURGLARY REPORT BY SEAN FLYNN BEGUN ON 7/25/2015 AT 15:34 HRS APPROXIMATELY 24 HOURS AFTER INCIDENT WAS REPORTED, STATEMENT WRITTEN UP BY PLAINTIFF'S WIFE AND SIGNED BY PLAINTIFF, AND ST CHARLES COUNTY, POLICE REPORT DATED JULY 30, 2015 (6 DAYS AFTER BURGLARY REPORT, AND TWO DAYS AFTER LAST ENTRY OF JULY 28, 2015 ON BURGLARY REPORT). THESE WERE PROVIDED FINALLY BY ATTORNEY ON OR ABOUT AUGUST 1, 2016, OVER ONE YEAR LATER.

## VI FACTS

1. ON OR ABOUT JULY 30, 2015 SGT CHRIS BOSLEY EXECUTED A WARRANT ON 1816 BABIN RIVER ROAD, TROY MISSOURI.
2. WARRANT WAS LEFT AT RESIDENCE ON TABLE WITHOUT A EXECUTION TIME, OFFICERS SIGNATURE, OR SIGNED AND WITNESSED INVENTORY SHEET.
3. PLAINTIFF'S WIFE OBSERVED DOCUMENTS DAYS LATER, AND FOUND RESIDENCE UNSECURE.
4. PLAINTIFF'S WIFE VISUALLY SEEN BLACK BAG WITH CLOTHES AND WHITE BAGS WITH CLOTHES STILL AT RESIDENCE AFTER JULY 30, 2015.
5. PLAINTIFF'S WIFE RETURNED NEXT ON OR ABOUT OCTOBER 1, 2015 AND RESIDENCE WAS AGAIN UNSECURE, OUTHOUSE HAD DOOR BUSTED OPEN, TWO BAGS OF CLOTHES AND WOLF BLANKET WAS MISSING, AND AN WRITTEN SHEET LISTING ITEMS SEIZED WAS PRESENT. NO DATE AND TIME OF SEIZURE AND NO SIGNATURES.
6. PLAINTIFF'S WIFE ALSO DISCOVERED ALL YARD EQUIPMENT AND BOAT WAS MISSING FROM THE PROPERTY.
7. PLAINTIFF'S WIFE CONTACTED HIS ATTORNEY ON EMAIL, ON OCTOBER 5, 2015 ABOUT WARRANT AND ITEMS. IN EMAIL A SCANNED IN IMAGE OF DOCUMENTS LEFT WAS PROVIDED TO PLAINTIFF'S ATTORNEY.
8. PLAINTIFF'S WIFE MAILED HIM A COPY ON OR ABOUT NOVEMBER 15, 2015 WHEN HE WAS NOT ASSISTED BY ATTORNEY, TO OBTAIN ALL THE DOCUMENTS AND AFFIDAVITS. TO DATE SEPTEMBER 27, 2016 PLAINTIFF AFTER MANY REQUESTS HAS NOT BEEN PROVIDED DOCUMENTS FROM ATTORNEY'S, MAGISTRATE, OR THROUGH THE GOVERNMENT.
9. WITHOUT SEEING IT PLAINTIFF CAN ONLY SUSPECT WHAT ALL WAS TAKEN, IS MISSING, OR WAS STOLEN AT RESIDENCE, DELAY AND LACKLUSTER CONDUCT TO INVESTIGATE HAS HARMED PLAINTIFF.

OCT 04 2016

Circuit Court  
Lincoln County, MO

10. NO VISUAL PICTURES OF ITEMS SEIZED WERE PROVIDED TO PLAINTIFF.

11. CHAIN OF CUSTODY OF ITEMS SEIZED CANNOT BE ESTABLISHED WITHOUT VERIFICATION OF PERSON COLLECTING AND A CREDABLE WITNESS TO ENSURE PROTECTION OF BOTH THOSE SEIZING ITEMS AND TO WHO THE PROPERTY BELONGS.

12. REMOVAL OF ITEMS AFTER INITIAL EXECUTION OF WARRANT VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS.

13. OFFICERS RE-ENTRY TO RESIDENCE TO LEAVE DOCUMENTS AFTER THE FACT VIOLATES THE LAW AND PLAINTIFF'S CONSTITUTIONAL RIGHTS.

14. OFFICERS RETURN TO PROPERTY AFTER LISTENING TO PLAINTIFF ON PHONE IN LINCOLN COUNTY JAIL TO BREAK INTO outhouse AND BACK INTO HOUSE WITHOUT WARRANT IS A VIOLATION OF RIGHTS AND THE LAW.

#### VII EXHAUSTION OF LEGAL

#### REMEDIES.

1. GAVE ATTORNEY REQUESTS FOR ASSISTANCE.
2. FILED STATEMENT ON BURGLARY
3. FILED IN COURT MOTIONS FOR ATTORNEYS DEFICIENCY IN GETTING PLAINTIFF DOCUMENTS
4. ATTEMPTED TO FILE REPORT FROM JAIL'S.
5. WROTE LETTERS TO POLICE REQUESTING DOCUMENTS.
6. ALL ATTEMPTS WERE EITHER DENIED, STRUCK, OR IGNORED BY AUTHORITIES.
7. REQUESTED ATTORNEY BEFORE QUESTIONING IN LINCOLN COUNTY JAIL AND WAS DENIED.

## VIII LEGAL CLAIMS

1. PLAINTIFF REAFFIRMS AND INCORPORATE BY REFERENCE ALL OF THE PREVIOUS FACTS.
2. DEFENDANTS HAS KNOWINGLY AND WANTONLY DELAY INVESTIGATION INTO BURGLARY AT PLAINTIFF'S RESIDENCE DEPRIVING HIM OF HIS CONSTITUTION RIGHTS. THESE ACTIONS ARE NEGLIGENT AND CAUSE AN OBSTRUCTION IN PLAINTIFFS CRIMINAL CASE. OFFICERS DELIBERATELY DELAYED INVESTIGATION AND ACTIONS BECAUSE OF PREJUDICE, BIAS, AND DISCRIMINATORY FEELINGS AND ACTIONS AT RESIDENCE.
3. PLAINTIFF'S RESIDENCE HAS BEEN BROKEN INTO MULTIPLE TIMES AND NUMEROUS ITEMS NOT SECURED WERE STOLEN OR LOST BY OFFICERS NEGLIGENCE TO SECURE PROPERTY AND INVENTORY WHAT REMAINED FOR THE RECORD. ITEMS OF EVIDENTIARY NATURE BENEFICIAL TO THE PLAINTIFF IN A CRIMINAL CASE HAS BEEN LOST OR MISPLACED DUE TO NEGLIGENCE.
4. OFFICER AT ARREST ON JULY 27, 2015 SAID RESIDENCE WOULD BE SECURED, IT WAS NOT. PICTURES TAKEN BY OFFICERS, SEARCH AND SEIZURE TEAM, AND BY PLAINTIFFS WIFE SHOWED IT WAS NOT DONE.
5. PLAINTIFF REQUESTED DISCOVERY IN CRIMINAL CASE AND THROUGH HIS OWN REQUESTS TO OBTAIN INFORMATION AND EVIDENCE FROM ARRESTS AND SEARCH AND SEIZURES AT RESIDENCES WITHOUT ANY WRITTEN RESPONSES.
6. PLAINTIFF ASSERTS ACTIONS OR LACK OF ACTIONS WERE A DIRECT REFLECTION ON FEELINGS ABOUT CRIMINAL CHARGES PENDING AGAINST THE PLAINTIFF, WAS HATEFUL AND DISCRIMINATORY.
7. PLAINTIFF ASSERTS LINCOLN COUNTY JAILS DENIAL OF REQUEST FOR ATTORNEY PRESENT TO MAKE STATEMENT DENIED HIM DUE PROCESS AND HARMED HIS CIVIL CASE AND CRIMINAL CASE. HARM IS DEVASTATING AND UNREPAIRABLE.

IX BELIEF

WHEREFORE, PLAINTIFF RALPH DAVID HATHAWAY RESPECTFULLY  
PRAYS THAT THIS HONORABLE COURT ENTER JUDGMENT:

1. GRANTING PLAINTIFF A DECLARATION THAT THE ACTS COMMISSIONS  
DESCRIBED HEREIN VIOLATE HIS RIGHTS UNDER THE LAWS AND  
CONSTITUTION, AND
2. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS  
TO REMAIN OFF PROPERTY UNLESS CALLED, HAS AN OFFICIAL WARRANT, AND TO  
CEASE DELAY AND DISCRIMINATORY ACTIONS AGAINST PLAINTIFF, AND
3. A DECLARATION STATING THAT NEGLIGENCE CAUSED LOSS OF  
PLAINTIFF'S BELONGINGS AND DAMAGE TO HIS PROPERTY, AND
4. GRANTING PLAINTIFF DAMAGES IN THE AMOUNT OF \$10,000,000<sup>00</sup>  
MILLION DOLLARS PER AWARD OF PUNITIVE AND COMPENSATORY  
THAT THE COURT MAY FIND JUST AND FIT TO ORDER, AND
5. PLAINTIFF SEEKS OFFICER'S ACTIONS IF CRIMINAL BE CHARGED  
ACCORDINGLY BY THE APPROPRIATE AUTHORITY,
6. PLAINTIFF REQUESTS JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.
7. PLAINTIFF ALSO SEEKS RECOVERY OF ALL COSTS IN THIS SUIT,  
AND ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST AND FAIR.

DATE 9/27/16

RESPECTFULLY, SUBMITTED.

*Ralph David Hathaway*

RALPH DAVID HATHAWAY #125317

SANGAMON COUNTY DETENTION FACILITY

#1 SHERIFF'S PLAZA

SPRINGFIELD, ILLINOIS

607701

APPENDIX

EXHIBITS:

- A - 1-3 SEARCH WARRANTS DOCUMENTS LEFT AT RESIDENCE-
- B - 4 ST CHARLES POLICE STATEMENT
- C - 5 LINCOLN COUNTY POLICE STATEMENT
- D - 6-8 LINCOLN COUNTY POLICE REPORT

ADDITION TO INITIAL DOCUMENT "COMPLAINT" PAGES 1-8.



FD-93 (Rev. 12/09) Search and Seizure Warrant

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Missouri

In the Matter of the Search of

186 Cabin River Road, Troy, Missouri,  
In the Eastern District of Missouri  
and all computers,  
computer hardware,  
computer and digital media, and  
wireless telephones therein.

Case No. 4:15MJ7229 SPM

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the EASTERN District of MISSOURI

186 Cabin River Road, Troy, Missouri, In the Eastern District of Missouri and all computers, computer hardware, computer and digital media, and wireless telephones therein.

The person or property to be searched, described above, is believed to conceal:

SEE ATTACHMENT A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before August 12, 2015  
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge  
Shirley Padmore Mensah

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for \_\_\_\_\_ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: July 27, 2015, 9:15 AM

[Signature]  
Judge's signature

City and state: St. Louis, MO

Honorable Shirley Padmore Mensah, U.S. Magistrate Judge  
Printed name and title

2

## Items Seized

- Western Digital hard drive w/ cords  
sn: WCAU4D117319
- Nickelodeon Victorious notebook
- Black camera case w/ video camera  
sn: 120P6074
- Black/Red bag w/ female clothes
- white trash bag full of female clothes
- glass container w/ small bible, turtle trinket  
white vinyl zipper pouch contains rosaries/medals.

3

ATTACHMENT A

*Property to be searched*

The property to be searched is 186 Cabin River Road, Troy, Missouri, in the Eastern District of Missouri, further described as a single story wood-frame structure with white slat siding, that is depicted below.



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FILED

OCT 03 2016

Circuit Court  
Lincoln County, MOLincoln County Sheriff's Office  
65 Business Park Drive  
Troy, MO 63379  
(636) 528-6100

Case #: 1507-2578

Date #: 10/27/2015

Time #:

STATEMENT FORM

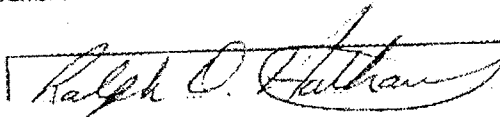
Last Name: HATHAWAY First Name: RALPH MI: D  
 Street Address: 274 CABIN RIVER City: TROY State: MO  
 Home Phone #: 636 Alternate #:   
 Age: 46 DOB: 10/27/68 Social Security #: 487-74-0089 Sex: MALE  
 Height: 5'9 Weight: 112 Hair Color: Brown Eyes: H22 Race:

MISSING TABLET & LAPTOP FROM HOUSE.  
 VIDEO CAMERA WAS TURNED MISSING TWO  
 FISHING POLES. I ORIGINALLY REPORTED FOUR  
 MISSING BUT FOUND THEM IN BUSHES & RIVER  
 STILL MISSING TWO POLES / REELS & NEW TACKLE  
 BOX. HOUSE WAS LOCKED AFTER I WAS  
 TAKEN AWAY. SEVERAL ELECTRONICS & OTHER  
 VALUABLES WAS NOT REMOVED!

HP 15-1033WM - MODEL NUMBER - LAPTOP

I have read each page of this statement consisting of 1 page(s). Each page bears my signature, and corrections, if any, bears my initials. I certify that the facts contained here are correct to the best of my knowledge. I am aware that any false statements made herein are a crime punishable under section 575.060 RSMo.

Signature:



Page:

of

004754

LCSO-SF 48-D

Total: 5 of 7

4

## ST. CHARLES COUNTY POLICE DEPARTMENT

## STATEMENT FORM

Case # 15-4616

Statement of

Kelly Barnes On the 22<sup>nd</sup> of July  
 I noticed a Blue Ford SUV at the home of Ralph  
~~the owner~~ the owner of the SUV had been introduced  
 to us before as his ex-wife. She was at his  
 home I witnessed her and their son removing  
 items from the house & camper they were there  
 for 2-3 hrs. On either Monday or Tuesday  
 Ralph's daughter had been at his home. We  
 noticed when she left it looked to be  
 her car was loaded with items.

3-26-1981

171 Cabin River Rd Troy

636-295-7470

I have read each page of this statement consisting of \_\_\_\_\_ page(s), each page of which bears my signature, and  
 corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at \_\_\_\_\_

this

30

day of

July

, 2015

WITNESS:

Sgt. [Signature]

WITNESS:

[Signature]  
 Signature of person giving voluntary statement.



**Owner:** HATHAWAY, RALPH (DOB) 10/27/1968 - Supp #: 0

**Property Index ID:** 3824

**Property:** Electronic Equip **Supp #:** 0

**Loss Type:**

**Status:** Stolen

**Value:** \$ 120.00

**Damage:**

**Serial #:**

**Misc/OAN:**

**Make:**

**Primary Color:**

**Model:**

**Secondary Color:**

**Quantity:** 1

**Item Description:** Tablet

**Incident Property Description:** Tablet

**Owner:** HATHAWAY, RALPH (DOB) 10/27/1968 - Supp #: 0

Property Status Type	Aggregate Value	Grand Total of Property Loss:
	\$ 400.00	\$ 400.00

### Incident Narratives

**Title:** Original Narrative

**Author:** Sean Flynn

**Date / Time:** 07/25/2015 15:34 Hrs **Supp #:** 0

Sir,

On 07/24/2015, at approximately 1339 hours, I was dispatched to 174 Cabin River Road Troy (Lincoln County), MO, and directed to make contact with Ralph D. Hathaway. I was told Hathaway wanted to report a burglary.

On 07/24/2015, at approximately 1425 hours, I contacted Ralph at his residence. Ralph told me on 07/22/2015, members of the Lincoln County Sheriff's Office responded to his address because it was reported he was making suicidal statements. Ralph told me as a result of his contact with the Sheriff's Office, he was transported to St. Joseph's Hospital in Wentzville, MO for a mental evaluation. Ralph told me he was released earlier that day and he returned home to discover he was missing some electronic items. Ralph said there was also evidence someone had come onto his property and tampered with some of his belongings.

Ralph told me when the officers came to his house, his son was staying with him. Ralph said he called his wife to come get their son. Ralph told me his wife responded to his residence and picked their son up. Ralph said his wife locked and secured his house prior to her leaving it. Ralph said when he returned to his house earlier that day, it was still locked and secured. Ralph said when he made entry to his house he discovered a laptop computer missing, and an electronic tablet missing.

Ralph said he thought he noticed some pry marks on the back door. Ralph directed my attention to the back door. On the back door near the door handle were two very small marks that appeared to be consistent with someone taking a small knife and stabbing the wood twice. This damage did not appear consistent with anyone attempting forced entry at the back door. Ralph told me there was a window that was not secure leading into the residence; however there was a piece of black electrical tape over top of the window that was still in place when we inspected it. It should also be noted the window was extremely small and only a small child would have been able to enter and exit through the window.



1

Ralph told me he had a camera set up on his porch that would have caught anyone at his house on tape. Ralph said when he left the residence to go to the hospital, the camera was facing out into the yard. Ralph said upon his arrival back at the house, he noted the camera had been turned to face the house and was no longer in a position to capture footage of the front yard area. Ralph said the camera was hooked up to the missing laptop. Ralph said there was no way to access any of the footage captured on the camera without the laptop.

Ralph led me into the residence. Ralph directed my attention to the master bedroom. Ralph said whoever took the computer, unplugged it from the camera, and unplugged it from its power cord. The power cord was still plugged in to the wall. Ralph said other than the laptop and the tablet, nothing else was missing. Ralph said there was no visible damage to any part of the house. Ralph said he walked around outside a bit to see if he could locate anything. Ralph said he discovered some of his fishing poles that were near the creek in his back yard, had been thrown in the creek.

I pointed out to Ralph it was very odd that the only items taken were a laptop and a tablet. It should be noted there were additional electronic items located in the residence to include appliances, and a large flat screen television. I also pointed out to Ralph it didn't make sense why the power cord of the laptop was not taken since it was readily available. Ralph agreed this was very suspicious. I asked Ralph who he thought may have been responsible. Ralph did not come out and accuse anyone in particular, but he alluded to the fact he felt law enforcement may have been responsible. Ralph was not willing to further explain why he felt this way. I questioned Ralph as to who had access to his computer. Ralph told me it was his computer, and he was the only person who used it or had access to it. Ralph told me this also applied to the tablet as well.

I spoke with Ralph's wife, who was identified as Rachael. Rachael told me she responded to Ralph's residence the other day when the police were there. Rachael said she picked up their son to take him home with her. Rachael said Ralph left before she did. Rachael said when she left the house, all doors were locked and secured. Rachael was unsure if the laptop was in the house when she left.

A neighborhood canvas was conducted and contact was made with homeowners Kelly and Justin Barnes at 171 Cabin River Road. Kelly and Justin said a car arrived the other day just prior to Ralph leaving with the police. Kelly and Justin said this car remained at the residence for another 2 hours before leaving. Kelly and Justin gave a description of the car that was consistent with Rachael Hathaway's vehicle (blue station wagon). Kelly and Justin said they did not see any other vehicles or people near Ralph's residence until he returned home earlier that afternoon.

Further information will be forwarded in supplemental reports.

This report will be kept on file for informational purposes only.

Deputy Sean M. Flynn #485  
Lincoln County Sheriff's Office

<b>Signed:</b> S. Flynn (#485)	<b>Reviewed By:</b> Patrol Sergeant M. Pirtle (#490)
--------------------------------	--

4

1507-2378 - Lincoln County Sheriff's Office - Lincoln (MO57)

**Title:** Scanned Ralph Hathaway statement into attachments

**Author:** Rose Mudd

**Date / Time:** 07/28/2015 15:50 Hrs

**Supp #:** 1

**Signed:** R. Mudd (#908)

**Reviewed By:** R. Mudd (#908)

PROOF OF SERVICE

I HEREBY CERTIFY, I RALPH DAVID HATHAWAY MAILED USING THE  
UNITED STATES MAIL SERVICE FROM SANGAMON COUNTY JAIL 3  
LETTERS CONTAINING:

APPLICATION TO PROCEED AS A POOR PERSON

COMPLAINT (1-8 PAGES)

EXHIBIT PAGE (LISTS 8 EXHIBITS) "APPENDIX"

EXHIBITS (1-8 PAGES)

TO THE: 45 JUDICIAL COURT

BUSINESS PARK DRIVE

TRACY, MISSOURI

63379

ON THE 27 SEPTEMBER, 2016.

RESPECTFULLY,

Ralph David Hathaway

USM

RET.